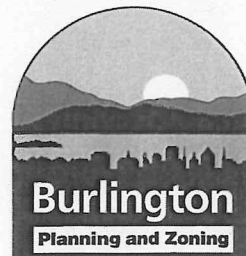


Department of Planning and Zoning

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Burlington, VT 05401
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Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: March 19, 2013
RE: 13-0749CA/CU; 367 Appletree Point Road

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: WRL Ward: 4

Owner/Applicant: Brooke & Chris Gillman

Request: Construct new accessory apartment and associated site improvements

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a new accessory apartment in a detached building. The apartment is to be located immediately adjacent to the existing single family home on the subject property. A new driveway and parking to serve the accessory unit are also proposed.

Previous zoning actions for this property are noted below.

- 10/18/11, Amendment approval for single family home permit
- 7/20/10, Approval to construct seawall
- 2/2/10, Approval to demolish existing house and replace with new single family residence.

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(a) Conditional Use Review Standards

(1) The capacity of existing or planned community facilities;

The proposed accessory dwelling unit will be served by municipal water and sewer service. Adequate capacity is available; however, a wastewater permit from the State of Vermont will be required. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

This waterfront neighborhood is defined by detached single family homes on relatively large lots. Accessory dwelling units are allowed in association with single family homes throughout the city. As required, the proposed accessory dwelling unit is relatively small and is clearly secondary to the primary residence on the subject property. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided; however, anticipated traffic impacts are minimal. Note that the second driveway will require a curb cut permit from the Department of Public Works. **(Affirmative finding as conditioned)**

(4) Bylaws then in effect;

As conditioned, the activity complies with all applicable zoning bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

No utilization of renewable energy resources is evident in the project plans; however, as proposed, the accessory dwelling unit will have no adverse impact on the potential utilization of such energy onsite or on neighboring properties. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The subject property is located in the WRL zone wherein residential use is permitted. Per this criterion, cumulative impacts shall be deemed negligible. **(Affirmative finding)**

(7) Functional family;

Accessory apartments by definition are limited to 1-bedroom or studio units. While the functional family limitations of this criterion apply, the occupancy restrictions of no more than two adult occupants for an accessory apartment are more stringent. **(Affirmative finding)**

(8) Vehicular access points;

In light of the existing conditions on the property, including the location of the existing home, driveway, and waterfront setbacks, the proposed accessory unit will be placed to the west of the existing home and will be served by its own driveway. There is ample distance between the proposed driveway and existing driveways; however, as noted previously, a separate curb cut permit will be required. **(Affirmative finding as conditioned)**

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

The proposed accessory dwelling unit will not produce noise or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

The zoning permit is valid for 2 years; 1 year to start construction and another to finish. No additional time is being sought by the applicant. **(Affirmative finding)**

(12) Hours of operation and construction;

Hours of operation do not apply to the proposed residential use. Given the project location in a residential neighborhood, hours of construction should be limited to Monday – Saturday, 7:00 AM

– 6:00 PM. No construction on Sunday. These limitations are consistent with those imposed for other development within residential areas. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

See Sec. 5.5.3 for erosion control.

(15) Conditions and safeguards;

As conditioned, the proposed use complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. As noted before, accessory dwelling units are allowed in association with single family homes throughout the city. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage will increase from 24.1% to 29% and will remain below the 35% maximum permissible.

The accessory dwelling unit, at just 10.5' tall, is subject to a 5' side yard setback. As proposed, it will be set back 18.5' from the side boundary line. The proposed driveway is also subject to a 5' side yard setback. As proposed, a portion of the driveway encroaches into the setback as it nears the road. The driveway must be shifted eastward to comply with the 5' setback for its full length. The proposed accessory dwelling unit complies with the 75' lakeshore setback and with the front yard setback. The parking spot proposed in front of the accessory dwelling unit encroaches into the front yard setback and cannot be permitted. This space must be deleted. The driveway is sufficiently long enough to contain the required parking without this space.

The proposed 10.5' tall accessory dwelling unit is well under the 35' height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The existing single family home is a permitted use in the WRL zone. Accessory dwelling units may be permitted uses as well; however, the new construction proposed tips the application into conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

(Not applicable)

2. Height
(Not applicable)

3. Lot Coverage
(Not applicable)

4. Accessory Residential Structures and Uses
(Not applicable)

5. Residential Density
(Not applicable)

6. Uses
(Not applicable)

7. Residential Development Bonuses
(Not applicable)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation
(Not applicable)

Sec. 5.2.5, Setbacks
See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits
See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations
See Sec. 4.4.5 (b) above.

Sec. 5.4.5, Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants.

As required, there shall be no more than two adult occupants in the accessory unit and the premises must be owner occupied. **(Affirmative finding as conditioned)**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

The proposed accessory dwelling unit will place minimal demand on the city's wastewater system. Sufficient capacity is available to serve the accessory unit as verified in writing by the Department of Public Works. **(Affirmative finding)**

2. *The unit does not exceed 30 percent of the total gross floor area of the primary dwelling, minus square footage associated with storage or utility spaces and similar un-insulated or uninhabitable areas;*

The proposed accessory dwelling unit is 563 sf. This square footage is 18.2% of the 3,095 sf area of the existing single family home. **(Affirmative finding)**

3. *Applicable setback and lot coverage requirements are met; and,*

As noted previously, the proposed accessory dwelling unit complies with setback and lot coverage requirements. **(Affirmative finding)**

4. *Two additional parking spaces which may be legally allocated to the accessory unit must be in existence and provided for the accessory unit.*

The proposed driveway is of sufficient dimensions to contain the required two parking spaces. As noted above, the single parking space in front of the accessory dwelling unit must be deleted due to its location partially within the front yard setback. **(Affirmative finding as conditioned)**

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Proposed outdoor lighting consists of several wall-mounted sconce fixtures and one flood light fixture. The sconce fixtures are acceptable cutoff units that will illuminate the walkway and patio areas adjacent to the proposed accessory dwelling unit. The flood light is proposed to illuminate the parking area immediately to the north of the proposed accessory dwelling unit. Typically, flood lights are not permitted; however, the proposed fixture is shielded and utilizes "low output" bulbs producing only 1,500 initial lumens. The fixture is acceptable. As noted before, the parking space it would illuminate is unacceptable. The proposed flood fixture must be relocated to the west (over the driveway) or deleted. No lighting is depicted over the doorway. If entryway lighting is proposed, it must be depicted on the elevation plans, and a fixture cutsheet must be provided. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a "small project erosion control" form is required. Such a plan has been submitted for review and approval by the Stormwater Administrator. Given the amount of impervious surface on the property (> 2,500 sf), a residential stormwater management checklist has also been submitted for review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property is located along the Lake Champlain shoreline. All of the property is affected by the Natural Resource Protection Overlay District, specifically the riparian and littoral conservation zone, which stretches inland 250' from the 100' lakeshore elevation. The degree of encroachment into this overlay zone will not increase beyond existing conditions, and the shoreline itself will remain untouched. Note also that portions of the property are affected by the wetland conservation zone and the special flood hazard area. The proposed development site is entirely out of these overlay zones. Finally, note that no tree clearing is proposed. **(Affirmative finding)**

(b) Topographical alterations

The proposed construction site is basically flat and will remain so. No significant topographical alterations are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

There are no historic structures on the subject property, nor does it contain any known archaeological resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy

As noted previously, no utilization of renewable energy resources is evident in the project plans; however, as proposed, the accessory dwelling unit will have no adverse impact on the potential utilization of such energy onsite or on neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

(Not applicable)

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

The proposed dwelling unit is accessory to the primary residence on the subject property. It is appropriately oriented towards the primary structure and shares a connecting walkway. The accessory dwelling unit is set behind the front line of the house facing Appletree Point Road. **(Affirmative finding)**

(i) Vehicular access

See Sec. 3.5.6 (a) 8.

(j) Pedestrian access

Although not a primary structure, the accessory dwelling unit will be served by a walkway connecting it to the primary residence and its front walkway out to the public street. **(Affirmative finding)**

(k) Accessibility for the handicapped
(Not applicable)

(l) Parking and circulation
See Sec. 8.1.8.

(m) Landscaping and fences
New shrubs and ground cover similar to that around the primary residence is proposed for the accessory dwelling unit. A section of new plantings intended to screen the front parking space may be reworked, as the front parking space must be deleted. No new fencing is proposed.
(Affirmative finding)

(n) Public plazas and open space
(Not applicable)

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
No new site infrastructure is proposed for the accessory dwelling unit. All new utility lines to serve the dwelling must be buried. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the proposed accessory dwelling unit are clearly subordinate to those of the primary residence. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed flat roof contrasts with the gable roof on the primary residence; however, it serves to lessen building height and to reinforce its relatively diminutive scale. **(Affirmative finding)**

3. Building Openings

Fenestration is composed of basic geometric shapes that reinforce the spare geometry of the proposed building. **(Affirmative finding)**

(b) Protection of important architectural resources

Neither the subject property nor the neighboring properties contain any buildings of historic significance. **(Affirmative finding)**

(c) Protection of important public views
See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As noted above, proposed building will house an accessory dwelling unit. The building is not intended to present a strong street presence. Rather, the building is oriented towards the primary dwelling unit and presents a clearly subordinate face to the street. **(Affirmative finding)**

(e) Quality of materials

The proposed building will be clad in corrugated Cor-Ten siding (i.e. weathered steel) and wooden shiplap siding. Fiberglass windows and doors are proposed, and membrane roofing will be installed. The materials are of acceptable quality. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed building must comply with the city's current energy efficiency standards. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No building-mounted mechanical equipment is proposed. If separate utility meters are installed, they must be depicted on revised plans and screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The accessory dwelling unit requires 2 parking spaces. The proposed driveway is of adequate dimensions to contain the required parking. As noted previously, the parking space immediately in front of the proposed dwelling unit amounts to front yard parking under Sec. 8.1.12, (c), *Front Yard Parking Restricted*, and must be deleted. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. A new driveway that complies with the 5' side yard setback for its entire length;
 - b. Deletion of the parking space immediately in front of the accessory dwelling unit;
 - c. Deletion or reposition of the floodlight fixture to the west side of the new building;
 - d. Depiction of doorway lighting and associated fixture cutsheet (if proposed); and,
 - e. Utility meter location and screening (if proposed).
2. **EPSC Pre-release Condition:** Prior to release of the zoning permit, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Stormwater Management Plan Pre-release condition:** Prior to the release of the zoning permit, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator.

4. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
5. The subject premises shall be owner occupied. A deed or instrument for the property shall be entered into the land records within 90 days of approval containing a reference to the permit granting the accessory unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
6. The accessory unit shall not be occupied by more than two adult residents. The principal unit shall comply with the functional family restrictions with no more than four unrelated occupants in the unit.
7. All new utility lines serving the accessory dwelling unit shall be buried.
8. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
9. A curb cut permit from the Department of Public Works is required for the new driveway.
10. A State of Vermont wastewater permit is required for the new accessory dwelling unit.
11. Standard permit conditions 1-15.

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FEB 20 2013

DEPARTMENT OF
PLANNING & ZONING

View towards build site from current driveway



View of build site from road

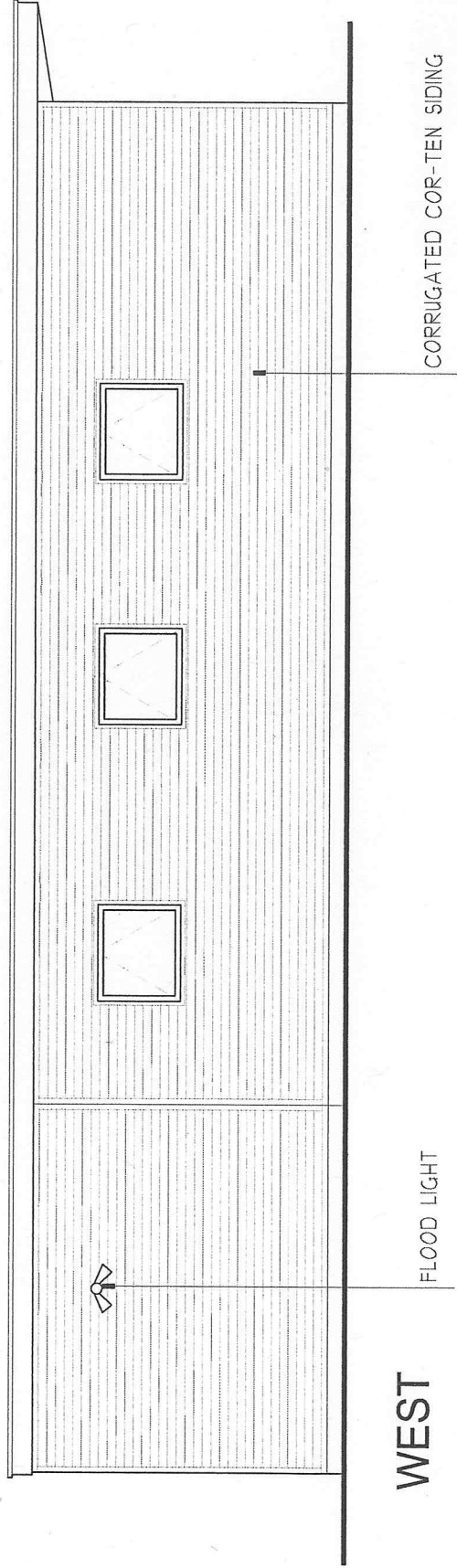


View of build site from lake looking towards road



View of build site from lake side of current house

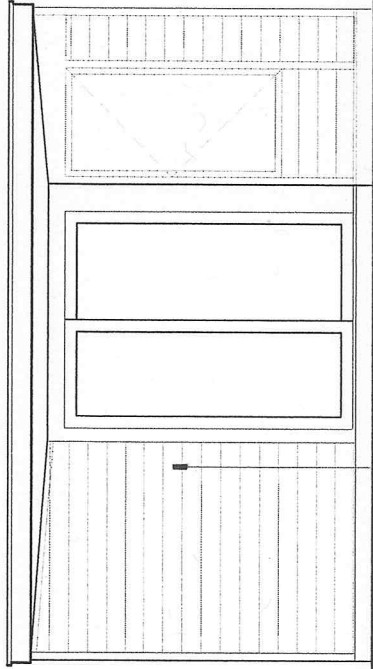




WEST

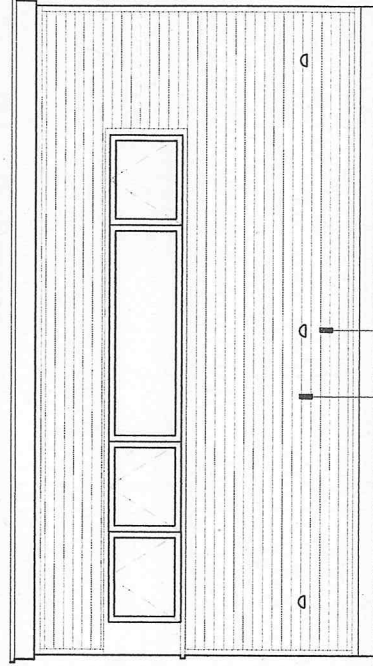
FLOOD LIGHT

CORRUGATED COR-TEN SIDING



SOUTH

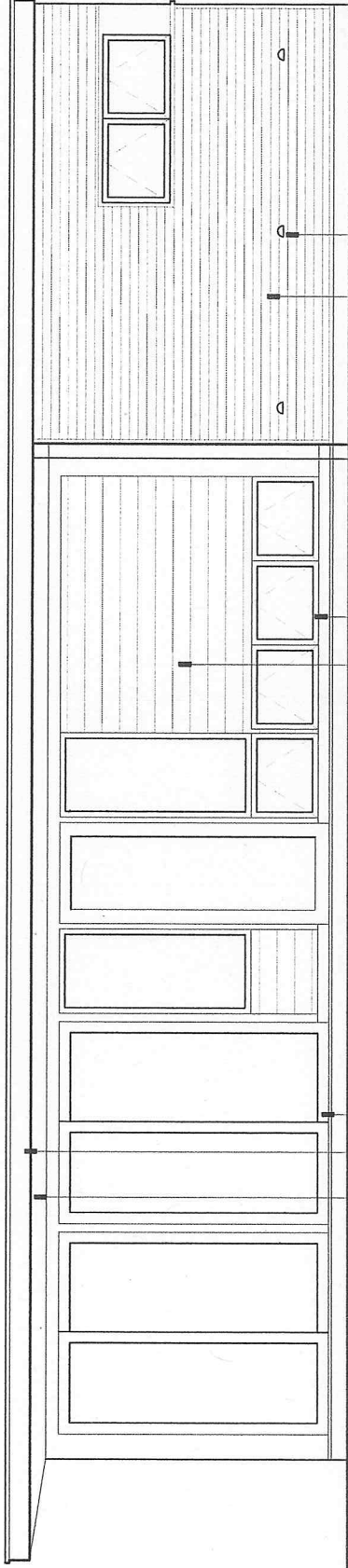
CLEAR FIN. SHIPLAP CEDAR SIDING



NORTH

WALL SCONCE TYP.

CORRUGATED COR-TEN SIDING



EAST

BRONZE ULTREX DOORS

FIR FASCIA

FLAT LOCK COR-TEN SOFFIT

BRONZE COLOR
MARVIN INTEGRITY
ULTREX WINDOWS AND
DOORS TYP.

WALL SCONCE TYP.

CORRUGATED COR-TEN SIDING
CLEAR FIN. SHIPLAP CEDAR SIDING

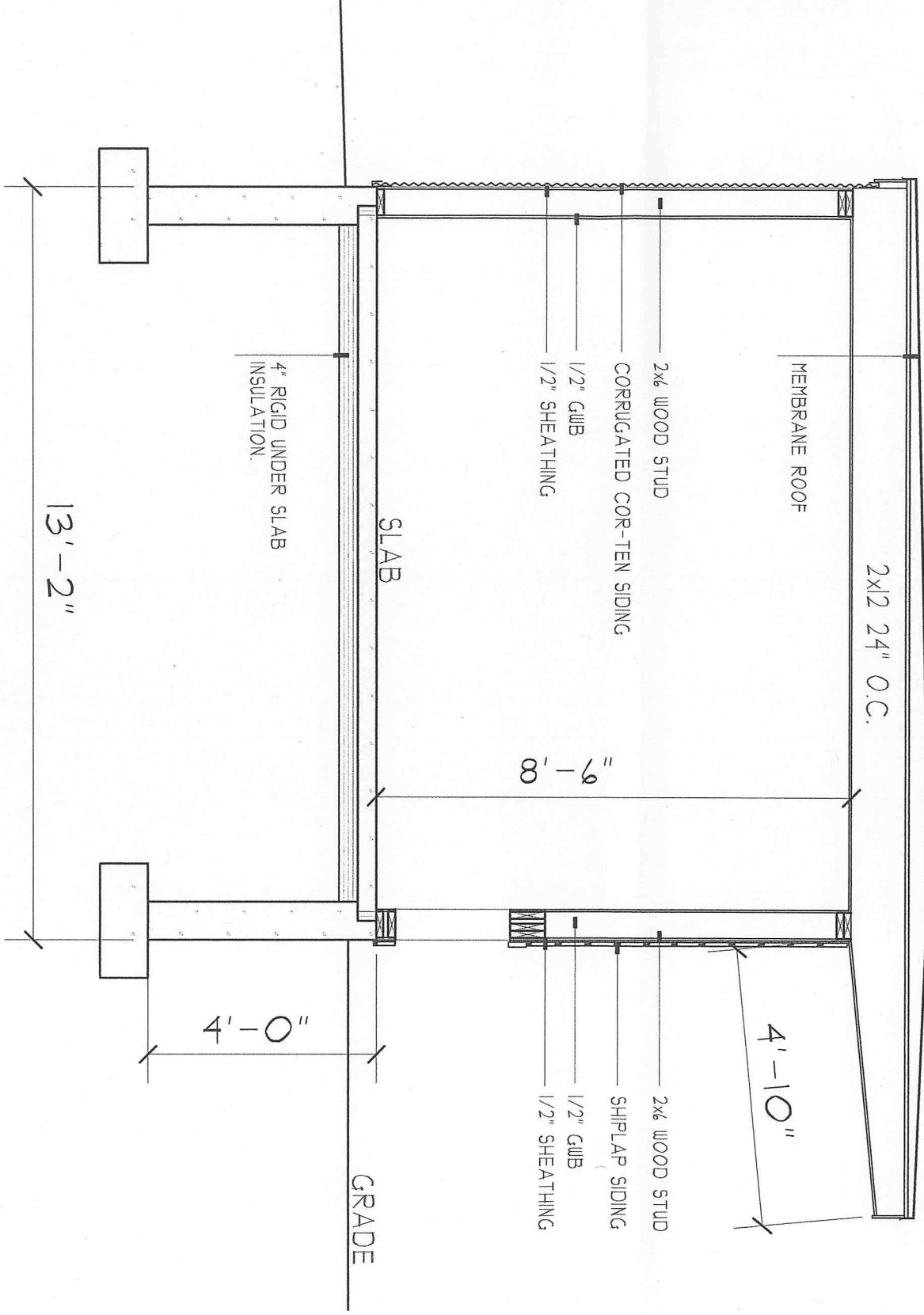
DEPARTMENT OF
PLANNING & ZONING

FEB 20 2013

02/18/13
3/16"=1'-0"

PROJECT		DRAWING		LOCATION	
CHRIS AND BROOKE GILLMAN		IN-LAW COTTAGE ELEVATIONS + SECTION		BURLINGTON, VERMONT	
FILE	GILLMAN	ISSUE	FOR PERMITS	SCALE	3/16"=1'-0"
				DATE	02.18.13
				REVISION	





PROJECT				DRAWING				LOCATION			
CHRIS AND BROOKE GILLMAN				IN-LAW COTTAGE SECTION A				BURLINGTON, VERMONT			
FILE	GILLMAN	ISSUE	FOR PERMITS	SCALE	3/8\"=1'-0\"	DATE	02.18.13	REVISION			

02.18.13

3/8\"=1'-0\"

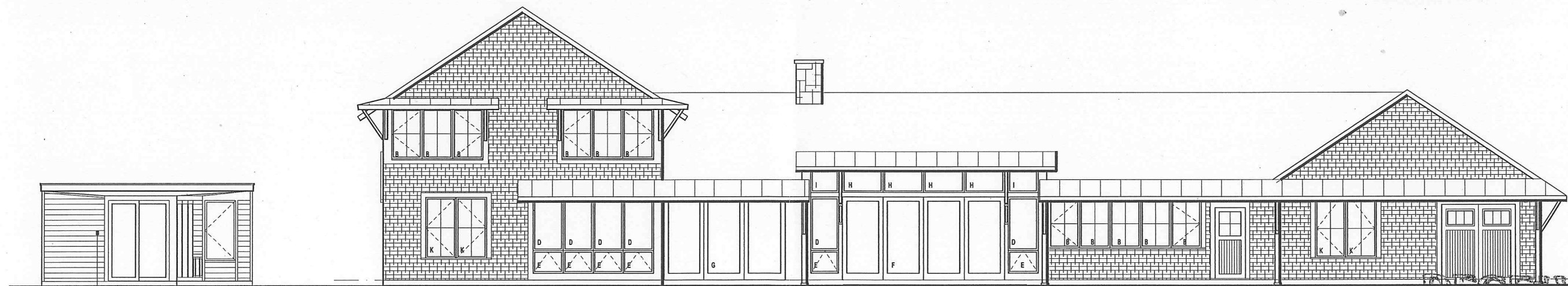
A3.1

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FEB 20 2013
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PLANNING & ZONING



EXISTING MAIN HOUSE NORTH ELEVATION

PROPOSED IN-LAW COTTAGE NORTH ELEVATION



SOUTH

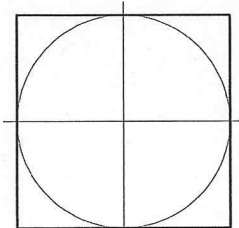
EXISTING MAIN HOUSE SOUTH ELEVATION

PROPOSED IN-LAW COTTAGE SOUTH ELEVATION

RECEIVED

MAR 07 2013

DEPARTMENT OF
PLANNING & ZONING



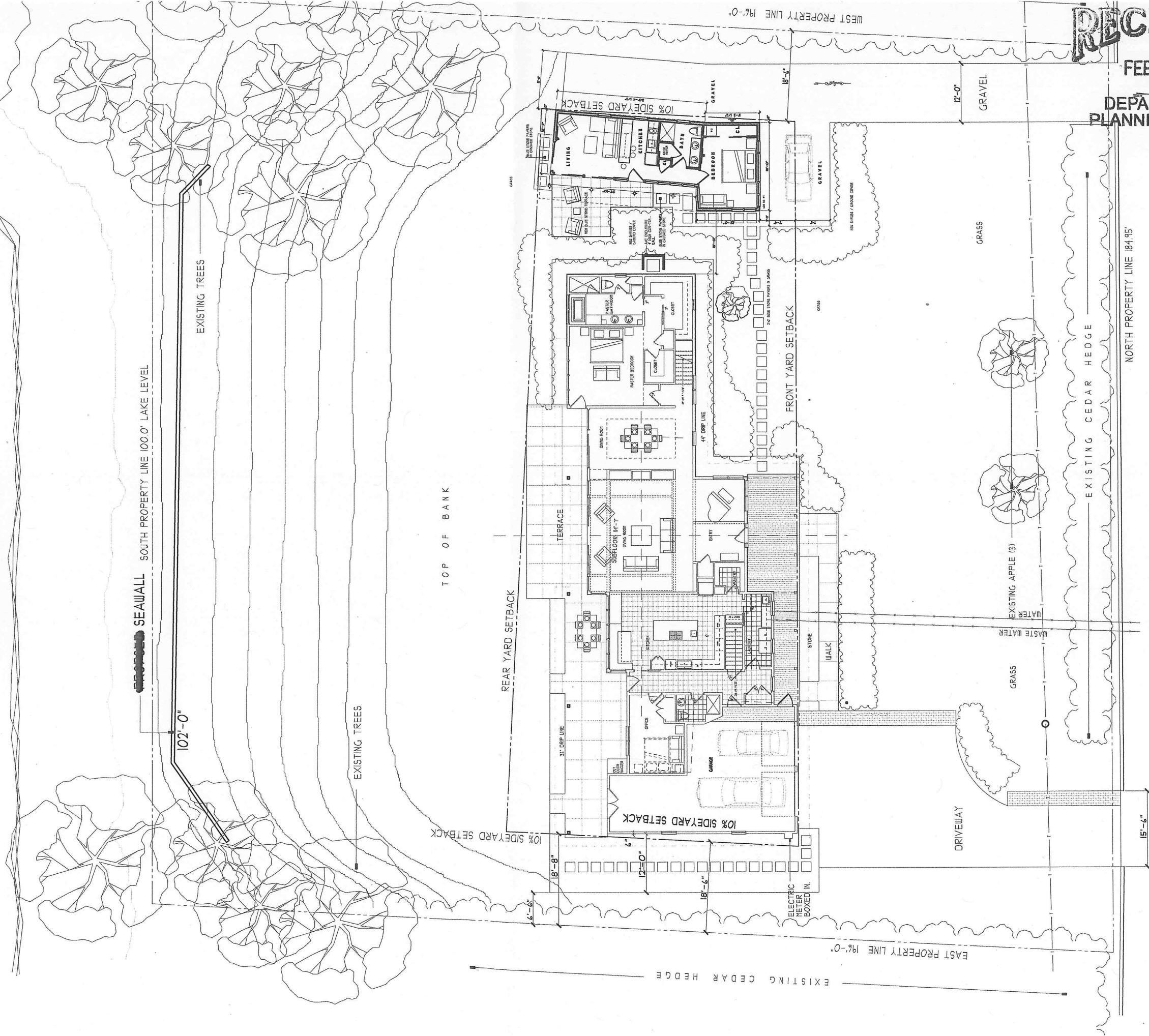
DATE 03.06.13
SCALE 3/32"=1'-0"
A2.2

PROJECT				DRAWING				LOCATION			
CHRIS AND BROOKE GILLMAN				IN-LAW COTTAGE + MAIN HOUSE ELEVATIONS				BURLINGTON, VERMONT			
FILE	GILLMAN	ISSUE	FOR PERMITS	SCALE	3/32"=1'-0"	DATE	03.06.13	REVISED			

GILMAN RESIDENCE
367 APPLETREE POINT ROAD
DISTRICT UPL
LOT SIZE: 36,240 SQ. FT.
ALLOWED LOT COVERAGE: 12,684 SQ. FT. (35%)
EXISTING LOT COVERAGE: 18,416 SQ. FT. (51%)
PROPOSED LOT COVERAGE: 10,436 SQ. FT. (29%)
10% COVERED PORCH BONUS: 890 SQ. FT.

LAKE CHAMPLAIN

APPROX. LAKE LEVEL 91.92 (5.17.10)



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FEB 20 2013
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PLANNING & ZONING

APPLETREE POINT ROAD

DEFINE
CITY OF BURLINGTON
PLANNING & ZONING

PROJECT	DESIGNER	LOCATION
CHRIS AND BROOKE GILLMAN	IN-LAW COTTAGE SITE PLAN	BURLINGTON, VERMONT
FILE	ISSUE	FOR PERMITS
GILLMAN	02.18.13	02.18.13
DATE	SCALE	REVISION
02.18.13	1"=20'	02.18.13

GRASS

BLUE STONE PAVERS
IN CRUSHED STONE

12'-0"

13'-2"

LIVING

NEW BLUE STONE TERRACE

29'-10"

NEW SHRUBS /
GROUND COVER

A/C ENCLOSURE
4' HIGH COR-TEN
WALL
BLUE STONE PAVERS
IN CRUSHED STONE

MASTER
BATHROOM

CLOSET

KITCHEN

BATH

BEDROOM

CL.

2'x2' BLUE STONE PAVERS IN GRASS

-BACK

GRASS

GRAVEL

NEW SHRUBS / GROUND COVER

GRAVEL

11'-2 1/2"

18'-0"

18'-6"

10% SIDEYARD SETBACK
30'-4 1/2"

GRASS

DEPARTMENT OF
PLANNING & ZONING

FEB 20 2013

RECEIVED



PROJECT		DRAWING		LOCATION					
CHRIS AND BROOKE GILLMAN		IN-LAW COTTAGE/FLOOR PLAN		BURLINGTON, VERMONT					
FILE	GILLMAN	ISSUE	FOR PERMITS	SCALE	3/16"=1'-0"	DATE	02.18.13	REVISION	